

Jun 21, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER B.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:20-cv-00322-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 23, 26

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 26, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Chad Hatfield represents Plaintiff. Attorney Katherine Watson

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 represents Defendant. The parties have consented to proceed before a magistrate
2 judge. ECF No. 5.

3 After consideration, **IT IS HEREBY ORDERED** that:

- 4 1. The parties' Stipulated Motion for Remand, **ECF No. 26**, is **GRANTED**.
- 5 2. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 The parties have stipulated to the following:

9 On remand, the Appeals Council will instruct the ALJ to:

- 10 • Further develop Plaintiff's record and offer Plaintiff the opportunity
11 for a new hearing;
- 12 • Reevaluate the medical and non-medical source opinions of record,
13 including but not limited to, the opinion from Occupational Therapist
14 Dane Vulcan;
- 15 • Reevaluate the nature and severity of Plaintiff's impairments,
16 including Plaintiff's fibromyalgia in accordance with Social Security
17 Ruling 12-2p;
- 18 • Assess whether Plaintiff's fibromyalgia equals listing 14.09D;
- 19 • Reevaluate Plaintiff's subjective complaints;

- If warranted, obtain evidence from a medical expert related to the nature and severity of and functional limitations resulting from Plaintiff's fibromyalgia and other impairments;
- Obtain supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on the occupational base; and
- Issue a new decision.

See ECF No. 26 at 2.

3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, **ECF No. 23**, is **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED June 21, 2021.

s/Mary K. Dimke

MARY K. DIMKE

UNITED STATES MAGISTRATE JUDGE